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NOTE BY THE SECRETARY-GENERAL CONCERNING THE DATE OF AN ELECTION TO FILL A VACANCY IN THE INTERNATIONAL COURT OF JUSTICE

1. The Deputy Registrar of the International Court of Justice, by a letter dated 24 February 1995, informed the Secretary-General of the death of Judge Roberto Ago (Italy) on that date and of the occurrence of a vacancy in the Court as a result of his death.

2. Judge Ago became a member of the Court as from 6 February 1979 and was re-elected as from 6 February 1988. His present term of office would have expired on 5 February 1997. Judge Ago was President of the Chamber formed to deal with the case concerning Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/USA, 1981-1984). In accordance with the terms of the Statute of the International Court of Justice, the General Assembly and the Security Council will therefore have to elect a member of the Court to serve for the remainder of Judge Ago's term until 5 February 1997.

3. Article 14 of the Statute provides:

> "Vacancies shall be filled by the same method as that laid down for the first election, subject to the following provision: the Secretary-General shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by the Security Council."

Article 5, paragraph 1, of the Statute provides:

> "At least three months before the date of the election, the Secretary-General of the United Nations shall address a written request to the members of the Permanent Court of Arbitration belonging to the States which are parties to the present Statute, and to the members of the national groups appointed under Article 4, paragraph 2, inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the Court."

4. In view of the fact that the date of the election is to be fixed by the Security Council, it is suggested that the Council might wish to consider this question at an early meeting and the fact that the Secretary-General's communication must be dispatched within one month of the occurrence of the vacancy and at least three months before the date of the election. The Secretary-General expects to invite nominations for the vacancy caused by the death of Judge Ago by communications immediately after the Security Council has set the date of election.